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NATIONAL COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING

Regulations

(Promulgated with effect from 12 May 1971)

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Regulations of the National Council of Educational Research and Training

GENERAL

1. Short title—These Regulations may be called the Regulations of the National Council of Educational Research and Training.
2. Definitions—In these Regulations, unless the context otherwise requires:
   (a) 'Memorandum' shall mean the Memorandum of Association of the National Council of Educational Research and Training;
   (b) 'The Rules' shall mean the Rules of the National Council of Educational Research and Training;
   (c) 'NIE' shall mean the National Institute of Education, New Delhi;
   (d) 'Department' shall mean a Department of the NIE;
   (e) 'Regional Institute' shall include the Regional Colleges of Education, the Central Institute of Education, and such other institutes as may be established by the Council;
   (f) 'Constituent Units of the Council' shall be the phrase used to describe cumulatively (c) and (e) above;
   (g) 'Head of a Department' shall mean the Head of a Department of the NIE;
   (h) 'Executive Committee', 'President', 'Vice-President', 'Financial Adviser', 'Director', 'Joint Director' and 'Secretary' shall mean the Executive Committee,

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President, Vice-President, Financial Adviser, Director, Joint Director and Secretary of the Council as defined in the rules;

(i) 'Government' shall mean the Government of India;

(j) All the terms and expressions defined in Rule 2 of the National Council of Educational Research and Training shall carry the same meaning as in the said Rule;

3. The President shall, by executive orders, specify the date or dates with effect from which one or more of these Regulations shall come into force.

STANDING COMMITTEES

4. The Executive Committee or the President may set up Standing Committees besides those mentioned in these Regulations specifying their composition, terms of office and terms of reference.
5. The appointing authority shall designate one of the members of such a Standing Committee as Chairman and direct the Secretary to designate one of the members of the staff of the Council to act as Convener.
6. The Convener shall call meetings of the Committee and maintain all its records and proceedings. The Convener shall act under instructions of the Chairman.
7. Except where otherwise specifically stated, the term of office of a Standing Commitee shall be three years. Ex-officio members shall cease to be members on their relinquishing the office they hold.
8. Half the number of members shall constitute a quorum for the meeting of any Standing Committee, provided in the case of a meeting of the Managing Committee of a Regional Institute, six members present in person shall form a quorum.

ESTABLISHMENT COMMITTEE

9. There shall be an Establishment committee as one of the Standing Committees of the Council.

10. The Establishment Committee shall consist of :

(i) The Director, NCERT; ...Chairman

(ii) The Joint Director, NCERT;

(iii) A nominee of the Ministry of Education to be nominated by the President;

(iv) Four educationists to be nominated by the President of whom at least one is a scientist;

(v) One representative from the Regional Colleges of Education to be nominated by the President;

(vi) One representative of the National Institute of Education, Delhi to be nominated by the President;

(vii) Two representatives, one each from the regular academic and non-academic staff of the Council elected from amongst their category in the manner prescribed in Appendix to this Regulation;

(viii) Financial Adviser, NCERT;

(ix) Secretary, NCERT. ...Member Convener

Appendix to Regulation 10

(1) In accordance with Regulation 10, two representatives, one each from the regular academic and non-academic staff of the Council from amongst their category, on the basis of direct election, through secret ballot, shall represent the staff of the Council on the Establishment Committee of the NCERT.

(2) For the purpose of holding the election of the members of the staff, two separate lists of regular academic and non-academic staff shall be prepared and notified six months before the actual date of elections.

(3) The electoral list shall consist of only the members of the staff indicated at item (2) above and regular employees of the Council shall only have the right to vote.

(4) The Secretary of the Council shall be the Returning Officer for the purpose of the above elections.

(5) The Returning Officer shall nominate any staff member of the rank of Professor as the Election Officer in respect of the staff working in the NCERT Headquarters and the constituent units of the NIE/FAs Offices located in Delhi and outside.

(6) The Principals of the Regional Colleges of Education shall act as Election Officers in respect of the staff working in the respective Regional Colleges.

Provided that where the Principal himself is a candidate, the senior most Professor failing which the senior most Reader, shall act as the Election Officer in respect of that College.

(7) The electoral list shall be a public document and will be available for inspection with the election officers by the candidates or their nominees on demand with reasonable notice.

(8) The elections shall normally be held in the *first week of July* unless otherwise notified by the Returning Officer for reasons to be recorded in writing.

(9) The Returning Officer shall fix the date for holding the elections and notify the same on the notice boards of the NCERT Headquarters, NIE, Regional Colleges of Education and FAs Offices at least six weeks in advance of the actual date of election.

(10) Upon the fixation of the date of election by the Returning Officer, the Election Officers shall immediately call for the nominations of the prospective candidates in a proforma prescribed by the Returning Officer at least *four weeks* of the actual date of election.

(11) The nominations so received shall be scrutinized by the Returning Officer and such nominations as may be considered to be valid shall be notified to all the Election Officers.

(12) The decision of the Returning Officer shall be final and binding and no appeal shall lie against the decision of the Returning Officer.

(13) The candidates shall have the option to withdraw their candidature *within 7 days* from the date of notification of their nominations, whereafter no withdrawals shall be permissible.

(14) The election shall be conducted at a place and time to be fixed by the Election Officers concerned. The ballot papers shall be supplied by the respective Election Officers.

(15) Normally such members who are present at the venue of the election shall have the right to cast their vote but such of the voting members who are posted or on tour or leave at places other than the venues of the election shall have the right to send their vote(s) to the Election Officers concerned by post in a plain cover inserted in another cover along with the particulars of the voting member, so as to reach the Returning Officer not later than twenty four hours prior to the time fixed for the commencement of the counting of votes. It shall be the responsibility of the person away on tour/leave, etc., to ensure that he gets the ballot papers from his respective Election Officer in time.

(16) On the completion of the elections, it shall be the responsibility of the Election Officers to transmit immediately the ballot papers to the Returning Officer in a sealed cover along with the list of the members who have actually cast their votes.

(17) On receipt of the ballot papers from the different electoral units, the Returning Officer shall have the votes counted and tabulate the results for declaration of the successful candidates.

(18) The term of office of the elected representatives shall normally be for a period of three years.

(19) All outgoing members shall be eligible for re-election.

(20) The members shall cease to be such representative members, if (a) they die, resign, proceed on deputation or training or foreign service for a period exceeding one year, become of unsound mind, become insolvent or be convicted of a criminal offence involving moral turpitude, OR (b) they do not attend three consecutive meetings of the Establishment Committee without proper leave of the Chairman.

(21) A resignation of the representative member shall be tendered to the Secretary of the Council and shall not take effect unless it has been accepted on behalf of the Chairman of the Establishment Committee.

(22) A vacancy occurring on account of any of the reasons specified in item 20 above, shall be filled in by re-election in the same manner as prescribed above. The person thus appointed shall hold office only for the unexpired term.

11. The functions of the Establishment Committee shall be to recommend to the Executive Committee the general

procedures and principles regarding appointment, recruitment, transfers, promotions, deputations, etc.

12. The Establishment Committee shall ordinarily meet four times a year but it may decide to dispose of routine items by circulation.

FINANCE COMMITTEE

13. The Finance Committee shall ordinarily meet at least twice a year.

14. The Secretary shall act as the convener of the Finance Committee

MANAGING COMMITTEE OF A REGIONAL INSTITUTE

15. The Managing Committee of a Regional Institute as provided for under Rules 64, 65, 66, 67, 68 and 69 shall be a Standing Committee of the Council.

16. To the extent that it is not repugnant to the provisions of the University to which a Regional Institute is affiliated, the Committee shall consist of:

(a)	The Vice-Chancellor of the University to which the Institute is affiliated.	Chairman
(b)	The Head of the Regional Institute as per Rule 67 (a).	Vice-Chairman
(c)	A nominee of the Education Departments of each of the States and Union Territories of the region.	Members
(d)	Two experts nominated by the President.	Members

(e)	Two heads of the departments of the Regional Institute nominated by the Director.	Members
(f)	A nominee of the Director of the Council.	Member
(g)	Such other members as are required to be included by the stipulations of the University to which the Institute is affiliated.	Members

The Administrative Officer of the Regional Institute shall act as the Secretary of the Committee as per Rule 67 (b).

17. The functions of the Managing Committee are to advise the Council on all matters relating to the affairs of the Institute in the sphere of its academic work, and such other matters which should be considered by it in accordance with the stipulations of the University to which the Institute is affiliated.

BUDGET

18. The Secretary shall, by letter, call for budget proposals from the Heads of each of the Constituent Units of the Council during the month of July of each financial year and furnish them with the required proforma and such instructions as are deemed necessary.

19. Heads of the Constituent Units shall furnish, in the manner stipulated, the required budget proposals to the Secretary during the first week of September.

20. The Secretary shall prepare the budget estimates for the Council as a whole before the middle of September and submit the same to the Director.

21. The budget proposals as finalised shall be placed before the Finance Committee before the end of September.

22. The budget proposals together with observations of the Finance Committee shall be placed before the Executive Committee and shall, as finalised by the Executive Committee, be referred before the end of October each year to the Government for their consideration. The budget provision shall not include provision for schemes, etc., the details of which have not been worked out and specifically approved by the Executive Committee.

23. (i) The powers to sanction expenditure, subject to funds being available by valid appropriation or re-appropriation shall be in accordance with the orders of the Executive Committee, subject, nevertheless, to the condition that without prior approval of the Government, there shall be no:

(a) diversion of funds from Capital to Revenue or from Revenue to Capital,

(b) diversion of funds from Plan to Non-Plan expenditure or vice-versa,

(c) diversion of funds for a new scheme or new programme or expansion of existing programme which has not been specifically provided for in the budget and approved by the Government,

(d) diversion of funds to augment the provision for administrative posts, viz., pay of officers, pay of establishment, allowances and other charges.

(ii) Any major programme/project/scheme which is likely to involve an over-all capital expenditure of over Rs. 10 lakhs and/or recurring expenditure of Rs. 5 lakhs per annum on a long term basis exceeding five years should have the approval of the Central Government, before it is taken up for implementation.

24. Copies of the budget as finally sanctioned shall be furnished to the Chief Accounts Officer of the Council and the Accountant General, Central Revenues.

25. No expenditure from the funds of the Council nor any appropriations or re-appropriations therefrom, shall be incurred without the sanction of the competent authorities as may be determined by the orders of the Executive Committee from time to time, subject to the exception that no re-appropriation shall be made from Capital to Revenue expenditure, or from Plan to Non-Plan or vice-versa, without the concurrence of the Financial Adviser.

ACCOUNTS

26. Separate account shall be maintained for Plan and Non-Plan.

27. After the budget has been finally approved by Government, no re-appropriation within Plan or Non-Plan as the case may be, between different primary units of appropriation, which may have the effect of materially altering the scope of scheme or of involving further additional expenditure not contemplated at the time of the formulation of a scheme, shall be made without the prior approval of Government.

28. The Executive Committee may provide for an internal audit of the accounts of the Council in addition to the provision made for audit in Rule 70. The procedure and other details for the conduct of the internal audit shall be laid down by the Executive Committee.

DIRECTOR

29. In the absence of the Director, the current duties of the Director including presiding over meetings of Committees shall be performed by the Joint Director.

SECRETARY

30. All contracts duly approved by the competent authorities of the Council shall be excuted and signed by the Secretary on behalf of the Council. With the prior approval of the Director of the Council, the Secretary may authorise other officers under his control to execute and sign agreements on behalf of the Council in matters relating to advances, loans, mortgages etc. with the employees of the council.
31. With the prior approval of the Director, the Secretary shall have powers to file and defend suits and other proceedings on behalf of the Council and shall have powers to compromise, settle or refer to arbitration any disputes relating to the Council.
32. For purposes of Section 6 of the Societies Registration Act, the person in whose name the Council may sue or be sued shall be the Secretary.
33. The Secretary shall be the custodian of all the records of the Council.
34. The Secretary shall be responsible for the proper maintenance of the accounts of the Council and their audit.

FINANCIAL ADVISER

35. Any Committee appointed by Executive Committee under Rule 45 having to deal with financial matters shall have the Financial Adviser or his nominee as one of the members.
36. All matters concerning the financial aspects of the affairs of the Council shall be referred to the Financial Adviser for his advice. If the advice tendered by the Financial Adviser on any matter referred to him is not acceptable to the Council, the issue shall be referred,

through the Financial Adviser, to the President and his decision shall be final and binding.

ESTABLISHMENT

37. The staff of the Council shall consist of the following categories :

(a) Academic Staff,

(b) Administrative Staff, and

(c) Ancillary Staff.

When a post is created by the competent authority, *the conditions for eligibility for post*, the category to which it belongs, the scale of pay, its nature whether temporary or permanent, and if temporary, its duration, shall be stated. Depending on the exigencies of circumstances, the Director may assign either administration or academic duties or both to the academic and administrative staff. With the prior consent of the employee, a member of the academic staff may be permanently transferred to the administrative wing and vice-versa.

37(a) The Executive Committee shall, by resolution, lay down eligibility conditions for the different categories of posts.

38. The scales of pay, allowances and retirement benefits for the employees of the Council shall not be in excess of those prescribed by the Government for similar personnel from time to time.

39. Certain categories of employees, particularly those having medical and engineering qualifications, may have to give an undertaking to serve in the Defence Services in accordance with the orders issued from time to time by the Government of India.

40. There shall be a reservation of posts in the Establishment of the Council in accordance with the orders of

the Government of India for members of Scheduled Castes and Tribes. There shall also be relaxation of age and other restrictions in favour of members of communities classified as Scheduled Castes and Tribes in accordance with the orders issued by the Government of India from time to time.

41. (a) Every member of the academic staff confirmed in the service of the Council shall continue in such service until he/she attains the age of 60 years.

(b) The age of superannuation of the confirmed employees of the Council, other than the academic staff members mentioned in Regulations 41 (a) shall be the same as obtaining in the Government of India. However, the age of retirement of such staff appointed in the Council before the date of promulgation of the Regulations of the Council viz. 12 May 1971 shall continue to be 60 years in accordance with the transitory provisions under Regulation 61.

(c) Notwithstanding the provisions of (a) and (b) above the appropriate authority shall have absolute right to retire any Council servant prior to the date of superannuation and the Council servant may also seek premature retirement in accordance with the provisions of Fundamental and Supplementary Rules, as made applicable to the employees of the Council.

42. The staff recruited to the Council Establishments may be offered appointments on (a) a temporary basis, (b) on contract for a specified period, or (c) on a permanent basis.

43. The terms and conditions of service shall be stated clearly in the letter of appointment issued to the employee.

44. On acceptance of the offer of appointment, all emplo-

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yees shall enter into a written contract as may be prescribed from time to time by the Council and their services shall be regulated according to the aforesaid terms and conditions.

45. The travelling and daily allowances admissible to a member of the staff of the Council shall be the same as those stipulated by the Government of India for a person drawing an identical pay.

46. For all matters for which there is no provision or insufficient provision in these Regulations, the relationship between the Council and its employees shall be regulated by the Government Rules and Regulations as contained in:

(a) The P&T Compilation of Fundamental and Supplementary Rules,

(b) Civil Service Regulations,

(c) The Central Civil Services (Classification, Control and Appeal) Rules, and

(d) The Central Civil Services (Conduct) Rules, and other relevant rules and regulations together with amendments and orders issued by the Government of India to said Rules and Regulations from time to time.

47. All employees of the Council are liable for transfer to any of the Council's establishments anywhere in India.

48. All the posts which are created or which fall vacant in the establishment of the Council may be filled in one of the following ways:

(a) By transfer from one of the Constituent Units of the Council,

(b) By deputation from the Central or State Government or any other organisation,

(c) By promotion from among the staff of the Council,

(d) By selection from the names recommended by the Employment Exchange and other agencies and

organisations, and

(e) Through an open advertisement.

49. Where a Selection has to be made from a number of persons and the selection is by the methods indicated in categories (d) and (e) of Regulation 48, a Selection Committee shall be appointed and action taken on the recommendations of such a Selection Committee. Where a selection has to be made by the method indicated in category (c) of Regulation 48, a Departmental Promotion Committee shall be appointed by the Director and action taken on the recommendations of such a Departmental Promotion Committee. At a meeting convened specially for the purpose according to the recruitment procedure specified for a particular post, the Selection Committee/Departmental Promotion Committee shall recommend a number of names arranged in order of merit and state the starting salary to be offered; and where salary higher than the minimum of the scale is recommended, the reasons thereof shall be stated.

50. Candidates called for interview by a Selection Committee may be paid travelling and daily-allowances in accordance with the resolutions of the Executive Committee.

51. The granting of permission to employees of the Council for applying for posts outside the Council establishment or for accepting membership of committees, or paid or honorary work, etc., shall be regulated by executive orders issued from time to time by the Director in accordance with the general policy laid down by the Executive Committee.

SELECTION COMMITTEES

52. The Chairman of all the Selection Committees shall be nominated by the President.

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53. The quorum for a meeting of the Selection Committee constituted under Regulations 57, 58 and 59 shall be three, of whom at least one shall be from a panel of names prepared by the Establishment Committee.

54. If the requirements of qualifications, experience, age, etc., are to be relaxed in any way, the Selection Committee shall record its grounds for the same.

55. If there is no suitable candidate, it is open to the Selection Committee to recommend a suitable candidate for a post carrying a scale of pay immediately below the one under consideration.

56. When there is no suitable candidate from among the applicants, it is open to the Selection Committee to suggest names of persons who are considered suitable but who have not applied to enable the Council to negotiate with such persons.

57. Selection Committee for all posts whose minimum basic pay exceeds Rs. 1249/- per month shall consist of:

(a)	The Director or his nominee	Member
(b)	One person nominated by the President	Member
(c)	Three persons selected from a panel of names prepared by the Establishment Committee, of whom two shall be specialists	Members
(d)	The Secretary	Member-Convener

58. Selection Committee for all academic posts carrying a minimum basic pay of less than Rs. 1250/-per month shall consist of:

(a)	The Director or his nominee	Member
(b)	The Head of the Constituent Unit to which the post belongs	Member

(c)	Three persons selected from a panel of names prepared by the Establishment Committee, of whom two shall be specialists	Members
(d)	A member of the Council's Establishment nominated by the Director	Member

The Secretary or his nominee shall act as Convener of the Selection Committee.

59. The Selection Committee for all administrative posts carrying a minimum basic pay of less than Rs. 1250/-per month shall consist of:

(a)	The Director or his nominee	Member
(b)	The Secretary	Member
(c)	Three persons selected from a panel of names prepared by the Establishment Committee, of whom at least two shall be having extensive administrative experience	Members
(d)	The Head of a Constituent Unit of the Council	Member

The Secretary shall nominate a person from the Council Secretariat to act as Convener of the Selection Committee.

60. The Selection Committee for the categories of posts carrying a minimum basic pay of less than Rs. 650/-per month shall consist of:

(a)	The Director or his nominee	Member
(b)	The Principal of a College or the Head of a Department of the NIE to which the post belongs	Member

(c) Four persons nominated by the Director — Members

The Secretary shall designate the Convener.

TRANSITORY PROVISION

61. Notwithstanding anything contained in these Regulations, the cases of persons in employment in the Council on the date of coming into force of these Regulations shall be governed in all matters by orders and resolutions of the Governing Body/Executive Committee as in force on the above aforesaid date, subject to the proviso that for the staff of the constituent units of the Council affiliated with any university, the regulations, ordinances, statutes, etc., of the concerned university shall apply in so far as conditions of affiliation require.

62. (a) The staff of the Council are free to contribute research papers and technical articles to professional, scientific and technical journals subject to the condition that they furnish two copies of the same to the Head of the Constituent Unit for being placed in the libraries of the Constituent Unit and the NIE.

(b) The staff of the Council are free to contribute articles to newspapers and magazines on all matters except those bearing directly on the Council and its activities, or of the Central and State Governments and their activities subject to the overriding provision that any material of a confidential nature which the member of a staff gets possession of in view of his position in the Council is not divulged.

(c) The staff of the Council are free to accept remuneration for their contributions as described under (a) and (b) above provided it is less than Rs. 2,000/- in any financial year. If a member of the staff of

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the Council has to receive remuneration in excess of Rs. 2,000/- in any financial year, he has to obtain the prior permission of the Council.

(The statement of the total remuneration received during a financial year shall be furnished through the Head of the Constituent Unit to the Council on or before the 15 April every year for purposes of record.)

63. Notwithstanding anything contained in the regulations, the Executive Committee may, in special circumstances, appoint an eminent person on contract for a period not exceeding five years, with a provision of renewal for further period, provided that every such appointment and the terms thereof shall be subject to the prior approval of the President, NCERT.

64. Notwithstanding anything contained in the rules and regulations, the Executive Committee may authorise the President or the Director to appoint a person to any post in a temporary capacity for a period not exceeding one year, but not exceeding six months at a time, where it is considered necessary to fill such a post without delay. The action taken under this regulation shall be reported to the Executive Committee at its next meeting.

65. Serving employees of the Council need not undergo fresh medical examination when appointed to a higher post provided such employees have already undergone medical examination by the appropriate authority according to the prescribed standard at the time of their initial appointment in the Council.